

REMARKS

The Office Action dated January 1, 2008 has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 1, 2, 4-18, 20-25, and 38-64 are pending in this application, including independent claims 1, 2, 4, 18, 20, and 35. Specifically, Applicants have amended claims 1, 2, 4, 13, 18, 20, 23-26, 29-35, 46, 53-56, and 59-64 and cancelled claims 36-37. It is respectfully submitted that the claim amendments add no new subject matter to the present application and serve only to more particularly point out and distinctly claim the subject matter that Applicants regard as the invention. Applicants urge that all grounds for rejection in the Office Action have been addressed and that the present application is currently in condition for allowance in view of the claim amendments and the following explanations. Therefore, entry of the claim amendments and reconsideration of claims are respectfully requested. Claims 1, 2, 4-18, 20-25, and 38-64 are respectfully submitted for reconsideration.

Rejection under 35 U.S.C. 112, First Paragraph

The Office Action rejected claim 35 under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. In particular, claim 35 relates to a computer program embodied on a computer readable medium. The Office Action alleged that the present application does not provide support for a computer program. Applicants respectfully urge that this rejection is in error. Applicants note, for

example, that paragraph [00031] of the present application describes that “the control blocks 200, 210, 220, 226 refer to a block which controls the operation of the device and which is nowadays usually implemented as a processor and its software” (Emphasis added). Therefore, Applicants urge that the present application provides more than sufficient disclosure to allow someone of ordinary skill in the field of communications to implement the recited invention as a computer program. Accordingly, this rejection is error and should be withdrawn. Reconsideration and allowance of claim 35 are respectfully requested.

Rejection under 35 U.S.C. 112, Second Paragraph

The Office Action further rejected claims 1-2, 4-18, and 20-64 under 35 U.S.C. §112, second paragraph as allegedly failing to particularly point out and distinctly claim the invention that the Applicants regard as the invention. In particular, the Office Action asserted that the presentation of the “signal classes” in the independent claims is potentially unclear. In response to this grounds of rejection, Applicants herein amended claims 1, 2, 4, 18, 20, and 35-37 to clarify that the signals or components are divided into the signal classes.

The Office Action further rejected claims 13, 29, 46, and 59 as containing the limitation of “quality classes” without reciting a creation of the quality classes. In response, Applicants have amended these claims to add the recitation of dividing the signal or signal components into defined quality classes. Reconsideration and allowance of claims 1-2, 4-18, 20-35, and 38-64 are therefore respectfully requested.

Claim Objections

The Office Action further objected to claim 20 due to a minor informality, and Applicants have amended claim 20 as requested in the Office Action to address this informality. Similar correction was also made to claim 18. Consideration and allowance of claims 18 and 20 in view of these amendments are respectfully requested.

Rejection under 35 U.S.C. §102(e)

The Office Action further rejected claims 36-64 under 35 U.S.C. §102(e) as being anticipated by U.S. Published Application No. 2004/0106417 (Schieder). As described below, Applicants respectfully urge that that this rejection is legally improper because Schieder fails to disclose each and every limitation of the any of the pending claims.

As an initial observation, Applicants respectfully note that the Office Action contains no art-based rejection of claims 1, 2, 4-18, and 20-35. Applicant therefore urge, as described above, that these claims are now allowable following the present amendments to address each and every formality concerns raised in the Office Action. Applicants further note that the Office Action has not stated or otherwise alleged that the subject matter of these cannot be determined due the formality concerns. Therefore any future art-based rejection of theses claims, if any, in view of Schieder must be **non-final**.

Continuing with this rejection in view of Schieder, as noted above, claims 36-37 are currently cancelled. In particular, although Applicants urge, as described in Applicants' prior submission of October 3, 2007, that claims 36 and 37 are allowable

over Schieder, Applicants have cancelled these claims to expedite examination and allowance of the remaining claims. Applicants reserve the right to pursue the subject matter of claims 36-37 at later date.

Regarding the rejection of claims 38-64, Applicants urge that the rejection is in error since claims 38-64 depend from claims 4 or 20 that are presumably allowable over Schieder, as described above. This rejection of claims 38-64 is therefore legally insufficient since these claims depend from claims that presumably would be allowable if amended to address formality concerns. Specifically, the Office Action has not presented a proper *prima facie* of an obviousness-type rejection under 35 U.S.C. §102, since the Office Action has not addressed the recitations of claims 4 and 20, and dependents claims 38-64 are thus allowable for at least the reasons of depending from these allowable claims, as well as for the separate recited limitations recited within the claims. Reconsideration and allowance of claims 38-64 are therefore respectfully requested.

In light of the foregoing, Applicants respectfully assert the cited reference fails to disclose or suggest all of the limitations recited in any of claims 1, 2, 4-18, 20-25, and 38-64, including independent claims 1, 2, 4, 18, 20, and 35. Accordingly Applicants respectfully request that the anticipation and obviousness rejections be hereby withdrawn. Furthermore, Applicants respectfully request that independent claims 1, 2, 4, 18, 20, and 35 and the claims that depend therefrom be pass to issue with the allowance of the pending claims.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by

telephone, the applicants' undersigned representative at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



David D. Nelson
Registration No. 47,818

Customer No. 32294
SQUIRE, SANDERS & DEMPSEY LLP
14TH Floor
8000 Towers Crescent Drive
Tysons Corner, Virginia 22182-6212
Telephone: 703-720-7800
Fax: 703-720-7802

DDN/cqc/skl

Enclosures: Petition for Extension of Time
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